

1 | date by which construction to be completed?"

2 | A Yes.

3 | Q And the, and the response is, "See Exhibit 1"?

4 | A Yes.

5 | Q Is there anywhere in Exhibit 1 where Raystay
6 | represents a day by which construction can be completed?

7 | A I believe the last paragraph of Exhibit 1 would
8 | indicate that Raystay expected to build -- to begin
9 | construction some time in six months that would be granted
10 | under an extension permit.

11 | Q It's your, it's your testimony that that last
12 | paragraph informs the Commission as to when construction would
13 | be completed?

14 | A Yes.

15 | Q What was the basis for your belief that construction
16 | would be completed in six months?

17 | A I knew that Raystay was working to identify
18 | programming and equipment to be used to put the stations on
19 | the air and that once those were identified that construction
20 | should be able to take place.

21 | Q But at this time, there were no firm commitments
22 | from any equipment manufacturers, correct?

23 | A I, I was not aware of any firm commitments.

24 | Q And at the time this application for extension was
25 | filed there were no contracts entered into with any program

1 providers?

2 A There were no contracts entered into with any
3 program providers.

4 Q And in fact, Raystay didn't even have a viable
5 business plan for putting these stations on the air at this
6 time. Isn't that correct?

7 A Raystay did not have a business plan that had final
8 approval by George Gardner. That is correct.

9 Q You testified yesterday --

10 A Friday.

11 Q Thank you. That the reason why construction was not
12 completed was because there was no viable business plan. Is
13 that correct?

14 A It's possible that I could have used that word, yes.

15 Q All right. Well, just so the record is, is
16 accurate, do you see question number 7 from the FCC on this
17 form? It's on page 2 of, of the exhibit.

18 A Yes.

19 Q "If application is for extension of construction
20 permit submit as exhibit number," and then number 1 is typed
21 in. "Reason or reasons why construction has not been
22 completed. So just so the record is clear, at the time that
23 these applications were filed, why was construction not
24 completed?

25 MR. SCHAUBLE: Objection, Your Honor. These were --

1 | this whole line was gone into extensively by counsel for
2 | Trinity on Friday.

3 | JUDGE CHACHKIN: I'll overrule the objection.

4 | MR. GARDNER: Okay. Could, could you say the
5 | question again, please?

6 | BY MR. SCHONMAN:

7 | Q Yes, I can. At the time the extensions -- the
8 | extension applications were filed in December 1991, why had
9 | construction not been completed?

10 | A Because George Gardner had not started construction.

11 | Q Why had George Gardner not started construction?

12 | A My belief is that he was awaiting a, a business plan
13 | that would show that the construction permits could be
14 | successfully operated, profitably operated.

15 | Q Isn't it also a fact that the reason why
16 | construction had not been completed or even started is because
17 | Raystay was trying to sell the construction permits?

18 | A At the time these applications were made, Raystay
19 | was not trying to sell the, the Lebanon or Lancaster
20 | construction permits.

21 | Q During the period following -- between the grant of
22 | the construction permit and the filing of this extension it is
23 | a fact that Raystay tried to sell the construction permits,
24 | correct?

25 | MR. SCHAUBLE: Objection to the time frame of the

1 question. Does counsel mean -- suggesting continuously or
2 made some -- any efforts within any portion of that time
3 period? I think the question is vague.

4 BY MR. SCHONMAN:

5 Q At any time during the period between the grant of
6 the construction permit and the filing of the first set of
7 extension applications, isn't it a fact that Raystay tried to
8 sell construction permits?

9 A As a representative of Raystay, I worked with
10 Trinity Broadcasting in trying to prepare purchase agreements
11 that if signed would have sold the construction permits, yes.

12 JUDGE CHACHKIN: And isn't it also true that if
13 Trinity had not been involved as a -- if an application had
14 not been filed for, for Trinity's station in Florida then you
15 would have continued with your plans to sell the construction
16 permits -- Trinity?

17 MR. SCHAUBLE: Your Honor, may I respectfully
18 object? You're talking about plans, but I think there's --
19 based on the witness's previous testimony that --

20 JUDGE CHACHKIN: Well, the fact of the matter isn't
21 it that you were told by George Gardner not to proceed with
22 your sale of the C.P.'s to Trinity but you were not precluded
23 from continuing your efforts to sell the station to anyone
24 else?

25 MR. GARDNER: That's correct, sir.

1 JUDGE CHACHKIN: So, you were at the time of the
2 filing of the extension request in December of 1991 still
3 pursuing efforts to sell the construction permit, were you
4 not? You hadn't abandoned any efforts by that time, in
5 December 1991, just as you couldn't sell it to Trinity. But
6 your instructions were to continue to look for buyers, other
7 potential buyers. Isn't that correct?

8 JUDGE CHACHKIN: But you did not include that
9 information in your statement to the Commission in Exhibit 1
10 concerning the instructions you had been given about -- by
11 George Gardner to pursue potential buyers for the construction
12 permits. Isn't that true? There's nothing in your statement
13 dealing with that subject.

14 MR. GARDNER: There's nothing in my statement
15 dealing with that subject.

16 JUDGE CHACHKIN: And could you provide an
17 explanation why you did not include such information in the
18 statement?

19 MR. GARDNER: It was -- well, it was a subject that
20 while John Schauble was aware we had worked with Trinity, he
21 did not include any information in the statement about it.

22 JUDGE CHACHKIN: Well, let's not limit it to
23 Trinity.

24 MR. GARDNER: Okay.

25 JUDGE CHACHKIN: You testified and we have a

1 statement from George Gardner telling you to continue your
2 efforts to sell the C.P.'s although you couldn't sell it to
3 Trinity. So, my question is, if that was the case if you had
4 such instructions from Gardner, why didn't you include that
5 information in your statement to the Commission?

6 MR. GARDNER: I was not actively searching for any
7 other purchasers at that time.

8 JUDGE CHACHKIN: What do you mean by actively
9 searching?

10 MR. GARDNER: Reviewing prospective purchasers'
11 information in LPTV magazines or contacting brokers or
12 something of that nature.

13 JUDGE CHACHKIN: But you still were prepared at that
14 time to entertain any offers from any potential buyers were
15 you not?

16 MR. GARDNER: George Gardner would have, yes, by
17 his, by his note. It's on his -- his note indicates that he
18 would have, yes

19 JUDGE CHACHKIN: And my question is why didn't you
20 provide the Commission with that information, that you were
21 entertaining offers to sell the C.P.'s?

22 MR. GARDNER: Well, the offers, the offers -- the
23 offer from Trinity was something that they had brought to us
24 and I just was not actively pursuing people to buy them. So,
25 it -- since John Schauble created the statement that did not

1 include that in it and he was aware that we were looking at
2 offers, I didn't, I didn't question him on whether or not that
3 should be included.

4 JUDGE CHACHKIN: Well, did you make John Schauble
5 aware of Mr. Gardner's letter to you -- note to you?

6 MR. GARDNER: I don't believe that I did, no.

7 JUDGE CHACHKIN: So, only you were aware of
8 Mr. Gardner's note concerning you still had permission to sell
9 to sell the C.P.'s to anyone you could find? Mr. Schauble was
10 not aware of that, and you were asked by Mr. Schauble whether
11 the information was accurate. So, I asked you why didn't you
12 tell Mr. Schauble to include that additional information, or
13 at least provided Mr. Schauble with that information so a
14 decision could be made -- included or not?

15 MR. GARDNER: Well, I believed that he was aware of
16 the information because he knew that we had entertained the
17 offer from Trinity and that the only reason that the Trinity
18 deal collapsed was the, the subsequent filings. So, it would
19 seem that if that were the only reason that one could infer
20 that further offers might be entertained.

21 JUDGE CHACHKIN: Go ahead, Mr. Schonman.

22 BY MR. SCHONMAN:

23 Q Mr. Gardner, isn't it a fact that a reason why the
24 extension, that is, the first round of extension applications,
25 were filed so Raystay would have more time to find a buyer for

1 the construction permits?

2 MR. SCHAUBLE: Objection, Your Honor. Again, I
3 think the testimony indicates that --

4 JUDGE CHACHKIN: Well, overruled. The witness --
5 he's asking for his knowledge if that was the reason.

6 MR. GARDNER: I don't believe that was the reason,
7 no.

8 BY MR. SCHONMAN:

9 Q Actually, my question was a reason, not the reason.

10 A I don't believe that it's a reason that I focused
11 upon, but it could be a reason, yes.

12 Q Were there any other reasons?

13 A Certainly, it was my belief that Raystay should
14 build the low-power construction permits.

15 JUDGE CHACHKIN: You're mean -- you're saying if it
16 was your decision you would have built --

17 MR. GARDNER: My recommendations were to build them.

18 JUDGE CHACHKIN: But it wasn't your decision. It
19 was --

20 MR. GARDNER: George Gardner's.

21 JUDGE CHACHKIN: -- George Gardner's decision.

22 MR. GARDNER: I'm sorry. I didn't mean to get ahead
23 of you.

24 BY MR. SCHONMAN:

25 Q And to your knowledge, no concrete steps had been

1 taken to build the stations and put them on the air at the
2 time the first round of extension applications were filed?

3 MR. SCHAUBLE: Objection to the term concrete steps.

4 JUDGE CHACHKIN: Overruled.

5 MR. GARDNER: Raystay had entered into an agreement
6 with Mr. Fenstermacher which would have put the stations on
7 the air, but that collapsed in August of 1991. But beyond
8 that, there were only the preparations of the business plan as
9 far as concrete steps to try to get the construction permits,
10 you know, to the place where Raystay would build them.

11 JUDGE CHACHKIN: Was Fenstermacher going to build
12 the station for Raystay?

13 MR. GARDNER: Yes.

14 JUDGE CHACHKIN: He was a contractor, or what was
15 his role?

16 MR. GARDNER: He had programming which he was --
17 would be able to provide that would have provided the -- made
18 them profitable. He was willing to forward the money to put
19 them on the air and buy time on them to make them profitable.

20 JUDGE CHACHKIN: So, he would have paid for the
21 construction of the stations. Is that what --

22 MR. GARDNER: It's my -- yes, I believe that's the
23 way it was structured.

24 MR. SCHONMAN: Your Honor, now would be a good time
25 to take a lunch recess.

1 JUDGE CHACHKIN: This is the only witness we have
2 today I assume.

3 MR. SCHONMAN: Yes.

4 MR. SCHAUBLE: Yes.

5 JUDGE CHACHKIN: All right. We'll, we'll have our
6 recess till 1:45 then.

7 (Whereupon, a lunch recess was taken from 12:25 p.m.
8 until 1:45 p.m.)

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1 A F T E R N O O N S E S S I O N

2 JUDGE CHACHKIN: Mr. Schonman?

3 BY MR. SCHONMAN:

4 Q Thank you, Your Honor. Mr. Gardner, would you be
5 kind enough to turn to Trinity Exhibit 251, please?
6 251 consists of the second round of extension applications
7 filed for four low-power stations in Lancaster/Lebanon. Do
8 you have those before you?

9 A Yes.

10 Q Now, if you turn to page 3 of that exhibit, and you
11 see Exhibit 1, and Exhibit 1 runs, runs also on page 4.

12 A Yes.

13 Q And Exhibit 1 of this particular application is
14 identical to Exhibit 1 in the remaining three applications.
15 Is that correct?

16 A Yes.

17 Q And the Exhibit 1 that appears in each of the
18 applications filed in second round of extensions is identical
19 to the Exhibit 1 that was filed in the first round of
20 extension applications. Is that correct?

21 A Yes.

22 Q Would you turn to page 3? Do you have that before
23 you?

24 A Yes.

25 Q All right. That's Exhibit 1, and I'd like to ask

1 you some questions beginning on paragraph 3. Well, they're
2 not numbered. It's the third paragraph down.

3 A Yes.

4 Q The second sentence of the third paragraph states,
5 "Raystay had had discussions with equipment suppliers
6 concerning the types and prices of equipment that could be
7 used at the site specified in the construction permit." Now,
8 we know that the first round of extensions -- extension
9 applications were granted on January 29, 1992 and that this
10 application, the second round, was filed in July 1992. My
11 question is with respect to the sentence I just read, what
12 discussions was Raystay referring to that took place between
13 January 1992 and July 1992?

14 MR. SCHAUBLE: Objection, Your Honor. There appears
15 to be some sort of predicate that -- which hasn't, which
16 hasn't been established that that sentence is referring to --

17 JUDGE CHACHKIN: Well, why don't you just say what
18 discussions if any? I guess that would take care of your
19 problem.

20 BY MR. SCHONMAN:

21 Q What's the basis for that second sentence?

22 A The discussions that occurred, occurred for the most
23 part prior to the first extension application.

24 Q Well, let's talk about the discussions that took
25 place after the first round of extensions then. What

1 discussions took place after the first round of extensions?

2 A I'm not aware that any discussions took place after
3 the first round of extension applications, but prior to the
4 July filing -- July 1992 filing.

5 Q Can you state that again?

6 A I'm not aware of any discussions that took place on
7 my part between the first filing and the second filing.

8 Q Are you aware of any discussions during that period
9 by anyone else?

10 A At, at the time was I aware? At the time of the
11 second filing? Is that the question, was I aware at the time
12 of the second filing? I was aware that George Gardner was
13 keeping himself up-to-date on LPTV equipment but I'm not aware
14 of any specific discussions that he had during that time
15 period.

16 Q What do you mean keeping up-to-date?

17 A He subscribed to publications and belonged to trade
18 organizations that gave him technical information regarding
19 LPTV equipment.

20 Q Are you finished?

21 A Yes.

22 Q Just so that I understand your testimony correctly,
23 you're aware of no discussions by yourself or anyone else with
24 equipment suppliers during the period between the grant of the
25 first extension applications and the filing of the second

1 extension application. Is that correct?

2 A That's correct.

3 Q Let's look at the next sentence which states, "It,"
4 meaning Raystay, "Has entered into lease negotiations with
5 representatives of the owners of the antenna site specified in
6 the applications although those negotiations have not been
7 consummated." What's -- what was Raystay's basis for making
8 that statement in this particular filing?

9 A The basis for that was the previous discussions that
10 I had had in October of 1991.

11 Q In other words, there were no lease negotiations
12 that -- aware of by yourself or anyone else during the period
13 between the grant of the first extension applications and the
14 filing of the second extension application?

15 A That's correct.

16 Q Let's move on to the next sentence. "A
17 representative of Raystay and an engineer had visited the
18 antenna site and ascertained what site preparation work and
19 modifications needed to be done at the site." What was
20 Raystay's basis for making that statement in this particular
21 filing?

22 A The visits by -- or the visit by Tom Rile in October
23 1991 and the visits that I had made prior to the first filing.

24 Q In other words, neither a representative of Raystay
25 nor an engineer visited the antenna site and ascertained what

1 site preparation work and modifications needed to be done
2 during the period between the grant of the first extension
3 application and the filing of the second extension
4 application. Is that correct?

5 A The, the only visit that would have been made would
6 have been one by me where I drove up but did not get out and
7 physically walk on the premises, yes.

8 Q Are you saying that you drove by one or both of the
9 proposed sites between January and July 1992?

10 A It's possible that I visited the Lancaster site
11 during that period as I made more than one visit to the
12 Lancaster site, more than the three visits that we already
13 discussed where I -- physically walked on the site.

14 Q But you didn't make any ascertainment about site
15 preparation or modifications during any those drive-bys did
16 you?

17 A The only ascertainment would be to see if there had
18 been any significant changes in the -- if there were any
19 visible changes in the, the layout of the site.

20 Q Let's move to the next paragraph. First sentence
21 is, "Raystay has undertaken research in an effort to determine
22 the programming that would be offered on the station." What
23 was Raystay's basis for making that statement in this
24 particular filing?

25 A Most of the discussions with programmers had taken

1 place in 1991 and I had some discussions with programmers
2 during that time period. But the bulk of my discussions had
3 taken place in the 1990, 1991 time period.

4 Q What time period were you just referring to when you
5 say that most took place during that time period?

6 A From the time of the grant of the construction
7 permits to the time of the filing of the first extension for
8 the construction permits.

9 Q Did you have any discussions with program suppliers
10 about programming any of the four low-power stations in
11 Lebanon or Lancaster during the period from January 1992 to
12 July 1992?

13 A I can't set any of my discussions specific to that
14 time period.

15 Q Are you aware, are you aware whether anyone else had
16 discussions with program suppliers about programming any of
17 the four Lebanon and Lancaster stations during the period from
18 January 1992 to July 1992?

19 A I was aware that Lee Sandifer was in contact with
20 program suppliers that were specifically interested in LPTV --
21 being on LPTV stations. However, I'm not aware of any
22 specific ones that he contacted specifically for the four LPTV
23 construction permits in Lancaster and Lebanon.

24 Q If I understand you correctly then, Lee Sandifer was
25 contacted by the program suppliers but not necessarily about

1 the four Lebanon and Lancaster stations. Is that your
2 testimony?

3 A He may have made the contacts himself rather than
4 them contacting him, and -- you, you said he was contacted by,
5 I'm, I'm trying to say that I believe he was contacting them
6 also.

7 Q But those contacts that you think he may have
8 initiated, is it your testimony that you're not sure whether
9 those contacts were for the purpose of programming for Lebanon
10 and Lancaster stations?

11 A That's correct.

12 Q What is your basis for stating that Sandifer had any
13 contacts at all during the period in question?

14 A At some point in time -- well, Lee Sandifer had
15 primary responsibility for W40 AM and as such he was involved
16 in the low-power operations of Raystay. And at some point in
17 time he took over primary responsibility for the, the business
18 plan of -- and -- the business plan of getting the four LPTVs
19 in Lancaster and Lebanon on the air.

20 Q He had primary responsibility for the business plan
21 relating to the four stations? Is that what you --

22 A Yeah, I believe, I believe that he would have at the
23 point -- at some point in time beginning in early-1992.

24 Q What do you mean when you say that he had primary
25 responsibility for the business plan?

1 A Well, it would have been up to him to prepare a
2 business plan and research it and present it to George Gardner
3 for a decision on it.

4 Q How do you know that?

5 A At some point in time the, the responsibility
6 transferred from Hal Etsell to Lee Sandifer for all of
7 Raystay's LPTV operations.

8 Q Do you know if Mr. Sandifer ever did create a
9 business plan and present it to George Gardner at any time?

10 A I have no knowledge of whether Lee Sandifer created
11 a business plan and prevented it to -- presented it to George
12 Gardner at any time.

13 Q Let's move on in Exhibit 1 which you have before
14 you, the sentence which states, "It," meaning Raystay, "has
15 also had continuing negotiations with local cable television
16 franchises to ascertain what type of programming would enable
17 the station to be carried on local cable systems." And my
18 question for you is, what was Raystay's purpose for making
19 that statement in this particular filing?

20 A In January of 1992 a attended PCTA meeting in
21 Harrisburg in which I came -- I met with operators some of
22 which had cable systems in the, the area that would be covered
23 by Raystay's LPTV stations and I had discussions with them
24 about the possible carriage of Raystay's LPTV stations if they
25 were on the air on their cable systems.

1 Q You mentioned a convention, PTCA?

2 A PTCA. Pennsylvania Cable Television Association.

3 It wasn't a convention. It was a meeting, not a convention.

4 Q And you met several local cable television
5 franchises, representatives from the franchises --

6 A Yes.

7 Q -- at the meeting?

8 A Yes.

9 Q And you engaged in negotiations with them?

10 A I had discussions with them, yes.

11 Q Can you describe for me the nature of those
12 discussions?

13 A I generally recall that I reminded them that we had
14 these construction permits that could be put on the air in
15 their area and that we were still interested in putting them
16 on and providing a service that they could, that they could
17 use if they would put it on their cable television system.
18 And trying to not get a decision, but get a feeling from them
19 as to whether or not they would be leaning favorably towards
20 that carriage or not leaning favorably towards that carriage.

21 Q When did this take place?

22 A January of 1992.

23 Q Do you remember when in January 1992?

24 A I'm sorry, I couldn't hear your question.

25 Q Do you remember when in January 1992?

1 A I don't remember the specific date.

2 Q Who did you have discussions with?

3 A I had discussions with Ron Amick and I believe I had
4 a discussion with a representative of Susquehanna Broadcasting
5 whose name I can't recall at this time. And I talked to
6 someone from Sammons Communications.

7 Q Who is Mr. Amick again?

8 A He's the manager of the Elizabethtown/Marietta Cable
9 System.

10 Q Beyond reminding these individuals that Raystay held
11 four construction permits for low-power stations, what else
12 did you tell them?

13 A We had discussions about cable television.

14 Q Generally?

15 A Generally.

16 Q And what did they tell you with respect to -- if
17 anything, with respect to the four low-power construction
18 permits that Raystay then held?

19 A In, in all my discussions that I've had with cable
20 operators about the LPTVs --

21 Q I'm only talking about the discussions at this
22 particular meeting in January 1992.

23 A I understand, but I don't remember specific comments
24 that I've gotten back from that particular meeting. But I
25 remember that generally, in my discussion with all -- with --

1 | in all my discussions with cable operators they've been
2 | polite, but I've never gotten a general feeling that they were
3 | going to put them on.

4 | Q Well, what is your basis in this exhibit to the
5 | extension application for saying that Raystay also had
6 | continuing negotiations? What negotiations were continuing
7 | between January and July 1992?

8 | A And July 1992, okay. Well, the discussions that I
9 | had were continuing, and --

10 | Q You had a discussion in January 1992 at a, at a
11 | meeting --

12 | A Yes.

13 | Q -- of the Pennsylvania Cable Television Association.
14 | Did you have any other conversations with representatives from
15 | the local cable television franchises between January and July
16 | 1992?

17 | A I cannot remember any further specific conversations
18 | that I had in that time period.

19 | Q Well, let me ask you again, what is Raystay's basis
20 | for stating that it had continuing negotiations?

21 | A Well, our discussions had begun either in 1990 or
22 | early-1991 with the cable operators and they continued into
23 | 1992 during the time period that -- between January -- well,
24 | in January of 1992.

25 | Q But between the period of January and July 1992, the

1 only discussion you had or discussions that you had with local
2 cable television franchises was the chat you had at the
3 meeting in January 1992? Is that correct?

4 MR. SCHAUBLE: Are you now limiting it to
5 discussions the witness had at this point in time?

6 MR. SCHONMAN: Oh, Um-hum, yes.

7 MR. SCHAUBLE: Okay.

8 MR. GARDNER: Those are the only discussions that I
9 remember having, yes.

10 BY MR. SCHONMAN:

11 Q Do you have knowledge that anyone else from Raystay
12 had any discussions with any representatives from local cable
13 television franchises about programming the four Lebanon and
14 Lancaster low-power stations during the period January to July
15 1992?

16 A I have no specific knowledge of any such
17 conversations.

18 Q Did you believe at the time the second round of
19 extension applications were filed that the basis for stating
20 that Raystay had continuing negotiations with local cable
21 television franchises was the discussion that you had at that
22 one meeting in January 1992?

23 A No.

24 Q What other basis did you have for the statement in,
25 in Exhibit 1?

1 A I believe that the discussions that Raystay had had
2 in late-1990 and 1991 would have -- were continuing
3 discussions and that those discussions were still open when
4 Raystay could have a -- could find a program service that the
5 cable system operators would find attractive.

6 Q You knew at the time that this extension -- that the
7 second round of extension applications were filed, you knew at
8 that time that the universe of discussions that you had had
9 with local cable television franchises during the period
10 January to July 1992 were the discussions you had at that one
11 meeting in January 1992?

12 A Those were my discussions, yes.

13 Q And you were aware of no other discussions by anyone
14 else during that period?

15 A I was aware of no other specific discussions, no.

16 Q When you limit yourself to specifics just now, what
17 was your reason for doing so?

18 A I believe that other persons were continuing to have
19 discussions with the cable operators.

20 Q What's your basis for that?

21 A It was my impression from my discussions with
22 Hal Etsell that he was continuing to bring the subject up when
23 he met with representatives of the cable operators in the
24 Lancaster-Lebanon-Harrisburg-York area.

25 Q What do you mean brought it up?

1 A With me --

2 Q You said Hal Etsell --

3 A -- with me or with somebody else.

4 Q Someone else?

5 A He would -- when I say brought it up I mean that he
6 would have a discussion about that subject.

7 Q And in your mind that constituted negotiations?

8 A Yes.

9 Q Why?

10 A Well, if Hal could find a viable program service
11 that the cable operators were attracted to and they would tell
12 him that or he could tell them that, then we could quickly
13 move to -- Raystay could quickly move to bring that service to
14 the LPTVs and get carriage on that cable system.

15 Q That's why you thought that Hal Etsell's discussions
16 constituted negotiations?

17 A Yes.

18 Q Was there anyone else other than Hal Etsell who you
19 believed had negotiations during the period January to July
20 1992 with local cable television franchises?

21 A For just the Lancaster/Lebanon construction permits?

22 Q Yes.

23 A No.

24 Q And Mr. Etsell's discussions you believe were
25 specifically about the Lebanon and Lancaster stations?

1 A I believe they were. yes.

2 Q How do you know that?

3 A Hal Etsell and I had meetings at which one of the
4 topics we discussed were progress on the LPTV construction
5 permit situation and it was my impression from those
6 discussions that he continued to ask questions of the cable
7 operators when he would meet with them about viable
8 programming services to be put on the LPTVs.

9 Q When did you have the meetings that you're referring
10 to with Mr. Etsell?

11 A Hal Etsell and I had meetings frequently in 1991,
12 1992, to discuss a number of subjects.

13 Q Were these casual meetings or business meetings?

14 MR. SCHAUBLE: Objection. What's the --

15 JUDGE CHACHKIN: Sustained.

16 BY MR. SCHONMAN:

17 Q Mr. Gardner, would you turn back to page 2 of
18 Trinity Exhibit 251?

19 A Yes. 251?

20 Q Yeah, that's the, that's the exhibit that --

21 A Yes.

22 Q And this is the FCC 307?

23 A Yes.

24 Q And the one you have before you happens to be for
25 Channel 23 in Lancaster?